

THE HONOLULU REPUBLICAN.

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HONOLULU, H. I., JULY 13, 1900.

ALIENS ON THE BENCH.

While it is true that the fifth paragraph of Sec. 50 of the Organic Act of Hawaii provides that "All persons holding office in the Hawaiian Islands at the time this act takes effect shall continue to hold their respective offices until their successors are appointed and qualified," it was presumed by Congress that all people thus holding office would be citizens of Hawaii and would naturally become American citizens by the operations of that act.

No such contingency as a judge on the bench holding over who would not be an American citizen, and who would refuse to become one, was foreseen or contemplated. Had any one in Congress even surmised that a judge would be on the bench to pass upon the qualifications for American citizenship who was not a citizen and would not become one, the fifth paragraph of Sec. 35 never would have been adopted, never.

A judge who continues to hold his position under these circumstances stultifies his profession, and makes a mockery of the bench. In practically every State of the union an applicant for admission to the bar must take an oath prior to admission to uphold and support the Constitution and laws of the State and the Constitution of the United States, and no alien is allowed to practice law in any Territory of the union, unless by courtesy, where he is admitted as special counsel in some particular case. Under these circumstances, how can a man preside on the bench who is not an American citizen?

How much more honorable it would be to follow the precedent set by Magistrate Here and resign.

NATURALIZATION FEES.

Mr. Henry Smith, clerk of the Judiciary of Hawaii, yesterday handed the following to The Republican, in response to the strictures of this paper on the excessive and illegal charges made for naturalization:

"To the Editor of The Republican:

"Sir:—Even if, as you say, the Organic law supersedes that of the Republic of Hawaii, in regard to aliens, I should still adhere to the schedule of costs which governs all costs in the Judiciary Department, which has not been repealed. Here is a schedule of charges which applies to cases of aliens now applying for naturalization:

Filing the petition.....\$.25
Filing, 25c, and swearing to oath of allegiance, 25c.....50
Docketing the case, or putting it on the calendar.....1.00
Judgment, \$1, and recording or filing same, 25c.....1.25
Stamps on the petition.....2.00
Order that certificate of naturalization issue.....1.00
Clerk's certificate of same under seal.....50
Recording the whole of the proceedings, 50c; blanks, 50c.....1.00

Total.....\$7.50

"I could find more statutory items, but this is enough."

"HENRY SMITH."

As can be seen by Mr. Smith's statement, he evidently is not yet aware that Hawaii is a Territory of the United States. He says, "Even if, as you say, the Organic law supersedes that of the Republic of Hawaii, in regard to aliens." Now, then, Mr. Smith, if you will give attention, The Republican will give you a little lesson on this point that may prove valuable to you. Take your copy of the Organic Act, as furnished by the Government, through the Secretary of the Territory, and turn to Section 7, on page 3. The first paragraph of Section 7 reads:

"That the Constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters and sections of the civil laws, penal laws and session laws, and relating to the following subjects, are hereby repealed." Turn over one page, now, to page 4 and run down the page to line 18 and you will read: "Chapter one hundred and two, Naturalization." Isn't that perfectly plain that Chapter one hundred and two of the civil code of the old Republic of Hawaii, relating to naturalization was repealed by Congress?

When asked on Wednesday for his authority for charging \$7.50 for naturalization, Mr. Smith said he had authority for it under Section 1577, Chapter one hundred and two, session laws of 1897. Evidently he still believes this chapter affords him authority for charging \$7.50, despite the fact that Congress expressly repealed it.

But to try to protect himself he gives a lot of alleged charges he can make under the fee law as prescribed in Section 1492. But in this his premise is wrong. In the first place, no petition has to be filed, as it is not required by law. That knocks out the first charge. No filing is required by law; that knocks out the second charge. Even granting that he is allowed the judge's fee of 25 cents each for swearing the applicant for naturalization and his two witnesses, instead of the clerk's fee of 12 1/2 cents for swearing; that would only make 75 cents. There is no cause of action in the granting of citizenship for an alien, hence there can be no docket fee and no placing on the calendar of something that does not exist. That disposes of Mr. Smith's charge No. 4. No judgment is rendered by the court, hence there can be no fee for entering one and no fee for filing one. There can be no stamps required on the petition for the reason that the law does not require a petition, and even if it did, it is United States' business, and no Territory can exact stamp fees for United States business.

The court does not order that a certificate of naturalization issue, but it does order "That John Doe, having proved to the satisfaction of this court that he is worthy to become a citizen of the United States, it is hereby ordered and the decree of this court is that John Doe is hereby admitted and declared to be a citizen of the United States." For entering this order or decree the clerk is allowed 25 cents per folio under Sec. 1492 of the civil code. The entire order will make a little over three folios as usually entered in a United States court. Grant that it makes four folios and that gives the clerk a fee of \$1 for entering the order. For furnishing the applicant for naturalization with a copy of the order the clerk is likewise allowed, under Section 1492, 25 cents per folio, or a total of \$1, including his seal to the same. Recording the proceedings is covered in the folio charge for entering the order of the court and the charge Mr. Smith sets down for blanks is covered in the folio charge for copy of the order. It is a well-known principle of law that he cannot collect two fees for the same thing.

In preparing the above list of charges, Mr. Smith has simply placed himself before the public in the attitude of not having any knowledge whatever of law or of legal proceedings as the practice obtains in the various courts of the United States.

WHO HAS THE AUTHORITY?

The Evening Bulletin of yesterday, in speaking of the refusal of Territorial Treasurer Lansing to grant a saloon license, contained the following as the purport of an interview with the Treasurer:

"As to the matter of one-man power, Mr. Lansing said he had found it did not exist. The High Sheriff in Honolulu and deputy sheriffs outside, had authority to pass upon licenses. It was the Governor's prerogative, also, to approve or disapprove of a license, and the Governor, as had been seen, consulted his council on the matter."

If Mr. Lansing thus expressed himself to the Evening Bulletin, he is not the shrewd, clever man The Republican has given him credit for being. Part II, of Chapter 41, of the Penal Laws of Hawaii, relate to the "Manufacture and Sale of Intoxicating Liquors," and in the entire twenty-six sections of Part II no reference is made to the Marshal (now High Sheriff) as having any authority whatever in the granting or revocation of licenses, nor is he given any authority of any kind in regulating the manufacture or sale of intoxicating liquors, except to seize illegal stills or liquors illegally held.

Section 434 reads: "The Minister of the Interior (now the Treasurer) shall have the power to grant licenses to retail spirituous liquors, upon application in writing, stating the name of the vendor and where the applicant intends to establish his place of business in each district."

The Supreme Court in the celebrated case of Bradley vs. Thurston, a case in which Henry Bradley applied for a Writ of Mandamus to the Minister of the Interior to compel him to grant a license to sell spirituous liquors at retail on the premises situate at the corner of King and Fort streets, Honolulu. The court held (see Hawaiian Reports, Vol. 7, Page 523): "The granting or refusing such a license is discretionary with the Minister of the Interior. The exercise of this discretion by the Minister is not subject to review or control by the court. This discretion is absolute, and is not affected by the fact that licenses have been previously granted to persons to retail spirituous liquors on the same premises."

If anything could be clearer than this as to the authority of the Minister of the Interior (now the Treasurer) to grant or refuse retail liquor licenses, regardless of the approval of the Governor, High Sheriff, or anyone else, we would like to know how the English language can express it.

Under what authority is Police Officer Hanrahan allowed to offer bribes to respectable citizens in payment for information that will put the police onto gambling games or illicit liquor selling? Is there a special police fund for the purpose of paying informers, or is the informer paid out of the fine imposed in case of a conviction?

The American newspaper readers are absorbing considerable geography in consequence of the war in Africa and the outbreak in China. It is not a great feat for Boer nomenclature to the heavily compounded proper nouns of the Chinese, with their absurd and to the English mind impossible combination of consonants.

If it be true that Oom Paul lost his head on the approach of the British troops, it should be noted that the old man was not sufficiently "rattled" to forget to take with him the national treasure.

great unpopularity of the Governor with "the push." The latter hope for a more liberal policy from Commander Schroeder, who is about to succeed Leary as Governor. Those who are acquainted with the commander believe that this hope is ill-founded. The prospects are that Guam will remain as dry as the Sahara, alcoholically speaking.

The great St. Louis railroad strike is destined to failure. It is discredited before the people because of its needlessly cruel and inhuman management. A cause that demands human life is doomed from that moment. Whenever public respect is forfeited hope of success is ended.

Throughout the Union the stump-speaker is beginning to expand his lungs, and peace and order-loving people who have made up their minds how to vote are taking to the woods. Hawaii will have to endure but a short affliction of the spellbinders.

Russia is said to be seeking a loan of \$50,000,000 in New York, with every promise of success. With a rapidity that is almost inconceivable America has become the money market of the world, largely supplanting London and Amsterdam within fifteen years.

The great sensation of the day in the States is the New York Journal's fight against the ice trust in New York, in which the Tammany Society is so disgracefully mixed up. New York is not the only American city cursed with an ice trust.

What an introduction to American citizenship that is when a subject of Great Britain, who boasts of the fact that he is not an American, sits on the bench and passes upon the qualification of applicants for naturalization. Out with such work.

Shifting of responsibility by public officials generally acts as a boomerang. People admire a man who will stand firm, even when he is in the wrong, but they have no respect for a moral coward.

Some people's suspicions are too keen; they seem to be of the hair-trigger variety.

NEWS AND GOSSIP OF FOREIGN LANDS.

(Washington Post.)

Two of the grandest castles in England are for rent, and are being advertised, not only in English, but in the American papers. One of them is Chillingham, the seat of the Earls of Tankerville, one of the finest of the old border castles, situated in the beautiful Glendale district, near the Cheviot Hills, and surrounded by an extensive park, famous for its herds of wild white cattle. The present Earl of Tankerville used to be well known in this country prior to his father's death by the name of Lord Bennett, and is married to an American girl, who hails from Tacoma, and who, like himself, is profoundly interested in evangelism, Christian science, faith cure, and other similar movements. Inasmuch as the fortune to which Lord Tankerville succeeded at his father's death was ample enough to admit of his living on his estate, despite the heavy debts which he had contracted during the course of a particularly rapid youth, his action in endeavoring to rent his ancestral castle must be ascribed to religious grounds, to a notion that the occupancy of a magnificent castle is not altogether in keeping with the calling of a street preacher, and that the money obtained by renting the place could be well employed in furthering the cause of the Christian science cult.

The other castle for rent is Inverary, and the American millionaire who chooses to lease this place will have a duke for a landlord and a royal duchess for a landlady. Inverary Castle belongs to the Duke and Duchess of Argyll. They are offering it for rent, not so much that they need money, although they are far from rich, but because, having no children of their own to succeed to the estates, and being both considerably over 50 years of age, they do not see the advantages of paying out the large sum of money which would be needed in order to put Inverary into a proper state of repair, and to arrange it according to their own sense of what is artistic and luxurious, seeing that their own tenure of the place cannot be a very long one. Inverary has undergone but little change during the past 100 years. It is very grand, but it is likewise also somewhat barbaric, and lacks many of those comforts and conveniences which, at the close of the nineteenth century, are regarded as indispensable to the daily life of the well-to-do. You can imagine haggis being served at Inverary Castle, but you cannot picture to yourself the gastronomic masterpieces of a French chef appearing on the ducal table. Somehow or another, they would clash with the surroundings. The late Duke of Argyll liked haggis, and there is even a story told of a head butler, a second butler and four footmen being in attendance one day when he was lunching in solitary grandeur off this homely and peculiarly Scotch dish. Princess Louise does not like haggis any more than she does tripe, and when you have said that, you can understand why she does not care to take up her residence at Inverary, which she would have to surrender to her brother-in-law, Lord Archibald Campbell, the moment that her husband died, Lord Archibald being the next heir.

In order to realize the sensation created by the Beckett suit, now in progress in England, it is necessary to explain that the late William Beckett, Denison, M. P., whose double life is now for the first time publicly exposed, was the younger brother of the almost nonagenarian Lord Grimthorpe, who, of all the members of the House of Lords, excepting the spiritual peers, is most profoundly versed in ecclesiastical matters, being regarded as a sort of lay bishop, an impression which is confirmed by the fact that he is not only a chancellor, but likewise temporal vicar-general of the Archbishopric of York. His brother, William, is now shown by the "cause celebre" to have squandered colossal sums on the woman who is now suing his sons for an annuity. He was married to a sister of Lord Faversham, and was an uncle therefore of the beautiful Duchess of Leinster, of Lady Helen Vincent and of Lady Ulrica Duncombe, who filled last year the Anglican Bishop of Stepney. Old Mrs. Beckett died only three years ago, having survived her faithless husband by nearly eight years.

Ernest Beckett, who is one of the plaintiffs in the present suit, and who proposes to have the defendant prosecuted criminally for conspiracy, when the present suit is brought to a conclusion, is heir to his uncle's peerage of Grimthorpe, and is an intimate friend of the Prince of Wales, whom he has frequently entertained at his beautiful country seat, Kirkstall Grange. He represents Whitty in the House of Commons, and has several children by his American wife, Lucy Lee, of New York. Inasmuch as Lucy, who died some nine years ago, was the only child of William Tracey Lee of New York, there is no truth in the statement which has been made that she was a sister of William Henry Hurlbert, or, that the latter was a brother-in-law of Ernest Beckett.

Considerable astonishment has been expressed that the Becketts, who are so colossal rich, owning, as they do, the old Leeds banking firm of Beckett & Co., should have disclosed the shady side of the life of their father, a man reputed far and wide for his piety, and ultra-respectability, rather than continue paying to them so trifling a sum as \$5,000 a year to the woman who lived under his protection during the last twenty years of his life, which, it may be remembered, was brought to a tragic and horrible close through his being ground to pieces by an express train while walking along the track toward the railroad station when staying at Long Wimpstone's place, at Dorchester. But the Becketts have doubtless been prompted in the matter by a determination to punish the woman who had not only robbed their father, but likewise rendered him the victim of an odious conspiracy by palming off no less than five spurious children upon him as his offspring.

The Becketts are very handsome men, fine specimens of Yorkshiremen, and Lord Grimthorpe's father had half a dozen brothers, each like himself, 6 foot 6 high, and broad in proportion. Lord Grimthorpe is nothing if not eccentric. He is a leader of the anti-vaccination movement, a vigorous opponent to the remarriage of divorced people, a famous amateur ecclesiastical architect and probably the cleverest clockmaker in England. Moreover, he seems to consider it to be his particular mission in life to keep the bishops in proper order in the House of Lords, and nothing is more amusing than to hear him occasionally sermonize them in the most vigorous language on the subject of their duty as spiritual powers of the realm. With regard to his fame as a practical clockmaker, I may mention that not only the great clock of the Victoria Tower of the Houses of Parliament, at Westminster, but likewise the new clock of St. Paul's Cathedral, the biggest timepiece in Great Britain, are his creations. Under the circumstances, it is only fitting that he should hold the position of president of the British Horological Institute.

HAWAII.

From the depths of the ocean rise diamonds fair,
Entrancing, bewitching and grand;
Eight jewels of wealth and riches there are
That make up this treasure land.

Washed by the waters of calm, peaceful seas,
As pure as heaven's blue dome,
Bathed in sun's rays from year's end to year's end,
Are these isles, the Kauai's sweet home.

Where perpetual bloom must charm every eye,
Where the air is laden with song,
Where the birds daily carol from day unto day,
Where loveliness pales its tongue.

Amidst all I sit, and wonder, and think,
Surely God must have saved to the end
The choicest and richest of his hand,
These colors and beauties to blend.

Far out in the sea, he seemed to have thought
These jewels most brightly would shine,
Where undisturbed nature could blossom and bloom
In this land supremely divine.

Honolulu, H. I., July 11, 1900.

A. A. BROWN.

A Mechanic's Views.

To the Editor of The Republican:

Sir:—The Republican is filling a long-felt want. Your editorial columns furnish food for thought. In yesterday's issue you recall A. T. Stewart's nomination and non-confirmation for precisely the same reasons that exist in the case of Mr. Lansing. Why, after destroying a business by burning the premises, should a license be refused to the Pantheon? No one will question that the Pantheon was as well conducted as a saloon can be. We have not heard (as has been said lately) that young men played cards for money day and night in the Pantheon. If it is not considered respectable to be a saloon-keeper, is it not equally wrong to be interested in the same business—only in a wholesale way? The day has gone by for one man to be the arbiter of the business interests of the community, and the Legislature will be justified in not confirming such an appointment.

In the recent "raid on the surplus" unfortunately the business community fell over themselves in applauding many acts that were clearly illegal, and the day will come when the personal responsibility of the individuals for their illegal acts will come before the courts and not a council, or a meeting of a mutual admiration society.

To-day's issue gives some very good advice. By all means, every one should study up on the Constitution and Revised Statutes, but they won't find any law for the fees charged for naturalization. It looks as though those who are getting in on the ground floor are most men in office who hope to hold down their present jobs, notwithstanding the Attorney-General's opinion. And, by the way, while the court exacts fees in what they are pleased to term the law, they don't seem to balk at business being transacted by officials whose legality the Attorney-General doubts. The putting of \$2 worth of stamps of a dead republic on petitions for naturalization should be protested.

The Advertiser seems to think that the Legislature must of a necessity concur in the appointments made by the Governor, and once said, if I remember aright, that supposing such a thing did happen, the Governor would, or could, wait until the Legislature adjourned, then resign the same parties, who would hold over. Well, the council found a way to abolish the Council of Claims, and the Legislature could do the same—no appointments, no salary appropriations.

MECHANIC.

Honolulu, H. I., July 11, 1900.

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JAPANESE JUTE RUGS, STRAW MATS and MATTING, LINOLEUM, OILCLOTH, COCOA FIBRE MATTING, DOOR MATS always on hand at

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Shippers are requested to affix the stamps, according to law, as freight cannot be received otherwise.

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Honolulu, June 1, 1900.

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